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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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04/22/2002

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EXAMINER

NELSON, ALECIA DIANE

ART UNIT

PAPER NUMBER

2675

DATE MAILED: 04/22/2002

25

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.  
08/904,056

Applicant(s)  
Lindsay

Examiner  
Alecia Nelson

Art Unit  
2675



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE three MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on Mar 29, 2002
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☐ All b) ☐ Some\* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

- 15) ☐ Notice of References Cited (PTO-892)
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_
- 18) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 19) ☐ Notice of Informal Patent Application (PTO-152)
- 20) ☐ Other: \_\_\_\_\_

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## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. ***Claims 1-22*** rejected under 35 U.S.C. 103(a) as being unpatentable over Schultheiss (U.S. Patent No. 6,208,384) in view of Autry et al. (U.S. Patent No. 5,724,106).

Schultheiss teaches a system for providing information to a television using a personal computer comprising a computer (12) having at least a processor (20, 20a) and a memory (32), a multimedia device (40) operatively coupled to the computer (12), and a pointing device (50) operatively coupled to the computer (12) and having at least one control (62) to control only the multimedia device, wherein the pointing device only couples to the computer (see figure 4) and wherein the at least one control (62) to control only the multimedia device (40) is operable without regard to orientation of the pointing device (see column 7, lines 4-30). The pointing device (50) has at least one control (62) to control only the multimedia device (40) such that actuation of a control causes the computer to change a functionality of the multimedia device (40) associated with the control (see column 5, lines 54-55, column 7, lines 30-40). Schultheiss also teaches that pointing device (50) for a computer operatively coupled to a multimedia device

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comprising a housing (52), at least one mouse button (66a, 66b) disposed within the housing (52), a component (64) disposed within the housing to signal directional movement to the computer (see column 5, lines 59-65).

Schultheiss fails to specifically teach that the pointing device further includes a second and third control operative to control a second multimedia device through the computer. However, it is taught that a software package is preferably loaded onto the personal computer and uses the personal computer's processor and memory. The software also download remote control codes for television, thus enabling the viewer to control the particular television with the system's hand held remote control. All known codes may be maintained in a database accessible by the viewer. These codes may enable operation of any television, satellite receivers or VCRs (see column 9, lines 1-8). Therefore it is taught that it is possible to operate a device other than the television (40).

Autry et al. teaches an entertainment system (100) which has a personal computer (118) as the heart of the system (see abstract). The system (118) provides for user input by means of remote controls (124, 126). Remote control (124) comprises a hand held size device with standard television controls and numeric keypad, and in one embodiment, VCR controls and a pointing device. It provides RF or IR control signals received by the system (118). Remote control (126) is a full function personal computer keyboard with additional standard television and VCR controls, pointing device which is preferably in the form of a touch pad, and it also provides RF control signals to the system (118) (see column 5, line 65-column 6, line 8). It is further

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taught that remote control (124) includes a trackball (910) and functions just as any other pointing device for personal computers, generating cursor control signals that are transmitted to the personal computer (118) (see column 11, lines 24-29). It is also taught that phone calls can be received or initiated by activating a "phone" function by pressing one or more of the control buttons on the phone, such as simultaneously pressing buttons (922, 928), which, in one embodiment, toggles function between TV and phone, thereby automatically muting the audio of the TV when "phone" function is desired. A power switch is provided at (914) to provide power-on/off functions for the monitor (122) and resume/rest for personal computer (118). Channel control buttons (916) provide the familiar TV/VCR up and down channel control functions. Volume controls (918) are also provided, as is the standard number keypad (920) in television remote controls. Further provided are mute button (922), channel recall (924), FAV button (926), as well as a plurality of others (see column 11, line 52-column 12, line 23). With further reference to **claims 5-7**, Autry et al. teaches that the multimedia device comprises a CD jukebox (168), amplified speakers (1624), and in an alternative embodiment a tuner (stereo) (see figures 1 and 16).

With further reference to **claims 19 and 20**, neither Schultheiss nor Autry et al. specifically teach the remote control device as a mouse. However, the remote control device of Schultheiss and Autry et al. include a roller ball and actuating keys associated with the roller ball and also have functions of controlling a cursor as in conventional mouse devices.

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Therefore it would have been obvious to one having ordinary skill in the art at the time of the invention to use the remote control device of Autry et al., which allows the pointing device to include a second and third control operative to control a second multimedia device through the computer, to the system as taught by Schultheiss in order to thereby provide a multimedia device capable of operating more than one device through a personal computer and thereby reducing processing and memory.

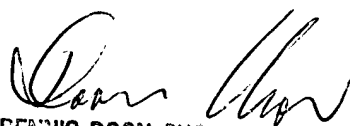
*Conclusion*

3. Any response to this action should be mailed to: Commissioner of Patents and Trademarks Washington, D.C. 2023; or faxed to: (703) 872-9314, (for Technology Center 2600 only). Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alecia D. Nelson whose telephone number is (703)305-0143 between the hours of 8:00 a.m and 5:00 p.m. on Monday-Friday.

If attempts to reach the above examiner by telephone are unsuccessful, the examiner's supervisor, Steve Saras, can be reached at (703)305-9720.

adn/ADN  
April 18, 2002

  
DENNIS-DOON CHOW  
PRIMARY EXAMINER